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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 DAVID RUFFA,

Case No. 2:15-cv-01610-GMN-PAL

8 Plaintiff,

ORDER

9 v.

(Mot. Ext. Time – Dkt. #5)

10 JUDGE MICHELLE LEAVITT, et al.,

11 Defendants.

12 This matter is before the Court on Plaintiff David Ruffa's Motion for Extension of Time
13 (Dkt. #5), filed December 29, 2015. This proceeding is referred to the undersigned pursuant to
14 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 and 1-9.

15 Plaintiff is a prisoner in the custody of the Nevada Department of Corrections ("NDOC")
16 who proceeding in this action *pro se*. Mr. Ruffa initiated this action on August 21, 2015, filing
17 his first Application to Proceed *in Forma Pauperis* (Dkt. #1). The Court denied the Application
18 without prejudice because but he "did not include a copy of his inmate trust account statement or
19 a financial certificate signed by an authorized officer of the Southern Desert Correctional
20 Center." See Aug. 28, 2015 Order (Dkt. #2).

21 On September 21, 2015, Mr. Ruffa filed a second Application to Proceed *in Forma*
22 *Pauperis* (Dkt. #3), which also failed to attach a copy of his inmate trust account statement for
23 the six-month period prior to filing his second Application. In an Order (Dkt. #4) entered
24 November 30, 2015, the Court instructed Mr. Ruffa to submit a copy of his inmate trust account
25 statement pursuant to 28 U.S.C. § 1915(a)(2). Without this required document, the Court cannot
26 determine the amount of Mr. Ruffa's initial partial filing fee or proceed with the process of
27 screening Mr. Ruffa's Complaint (Dkt. #1-1). The Court therefore deferred a decision on Mr.
28 Ruffa's application for 30 days or until December 30, 2015. See Order (Dkt. #4).

On December 30, 2015, Mr. Ruffa filed the Motion for Extension of Time (Dkt. #5), asking the Court for an additional 30 days to submit a copy of his inmate trust account statement. According to Mr. Ruffa, he has requested the financial statement three times but is still waiting to receive the documents. The Court understands that Mr. Ruffa cannot obtain a copy of his inmate trust account statement without the assistance of NDOC staff members at the prison.


For good cause shown,

IT IS ORDERED that

1. Plaintiff David Ruffa's Motion for Extension of Time (Dkt. #5) is GRANTED.
2. Plaintiff David Ruffa's Application for Leave to Proceed *In Forma Pauperis* (Dkt. #3) is **DEFERED** for an additional 30 days, or until **February 15, 2016**.
3. Plaintiff shall file his inmate trust account statement no later than **February 15, 2016**.
4. Alternatively, Plaintiff shall pay the filing fee of three hundred fifty dollars (\$350.00), accompanied by a copy of this Order, on or before **February 15, 2016**.
5. Plaintiff's failure to comply with this Order by (a) submitting his inmate trust account statement, or (b) paying the filing fee before the **February 15, 2016** deadline will result in a recommendation to the District Judge that this case be dismissed without prejudice.
6. The Clerk of the Court shall send a copy of this Order to the Warden of the Southern Desert Correctional Center via certified mail with a return receipt requested:

Brian E. Williams Sr., Warden
Southern Desert Correctional Center
20825 Cold Creek Road
Indian Springs, Nevada 89070

Dated this 15th day of January, 2016.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE